Those Moving In After Its **Enactment Get Protection**, Says Brooklyn Court.

REVERSE RULING HERE

Justice Cropsey's Decision in Appellate Term Gives Reasons for Stand.

TWO ASSOCIATES CONCUR

Justices Faber and Lazansky Agree They Can't Take View of Manhattan Division.

the tenant must deposit the amount due according to the agreement."

"This reference to a 'new' tenant plainly, and, we think, conclusively shows that it was the intention of the Legislature that its enactments should apply to all tenants and not merely 'c those in possession when the original statuto was passed," said Justice Crop-Tenants who have moved into apart-

pancy of apartments at the time of the passage of the laws, according to a decision handed down yesterday in the Appellate Term of the Supreme Court, in Brooklyn.

The opinion of the court was written by Justice James C. Cropsey and was concurred in by Justices Leander B. Faber and Edward Lazansky. In it the court asserts that it cannot agree with a recent decision of the Appellate Division in Manhattan, which held that only tenants who were occupants of apartments at the time of the passage of the laws are protected by its provisions.

The decision was made in the case of Samuel Marton, an agent for an apartment house at 1600 Bedford avenue, who rented an apartment to Irving L. Weiser in March, 1921. The rent was fixed at \$755 a month. Weiser refused to pay this amount for the month of May on the ground that under the Emergency Rent Laws the amount asked for was the ground that under the Emergency Rent Laws the amount asked for was taried the contention of Weiser and fixed the contention of Justice Carroll.

Mestions Manhattan Ruling.

"As the legislative enactments do not seem to indicate the intention which has been to them by the Farnham case, "he continues, "we feel constrained to differ with the conclusion there racehed. It may be that the greatest need of the statutes originally was to protect denants who were in possession. But if they needed protection there was the and is now need of protection there was the and is now need of protection there was the and is now need of protection there was the and is now need of protection there was the and is now need of protection there was the and is now need of protection there was the and is now need of protection there was the and is now need of protection there was the and is now need of protection there was the and is now need of protection there was the and is now need of protection there was the and is now need of protection there was the and is now need of protection there was the and is now need of protection there was the and is now need of protection th

in his opinion. "The Appellate Division in the First Department has held that the Housing Laws affect only those tenants who were in possession at the time of their enactment, and that a tenant who became such thereafter has no right to avail himself of their provisions.

"The first housing statutes were mons last night."

passed in April, 1926. One was Chapter 139 of the laws of that year. This act by its terms applied to certain existing tenancies and to 'any lease or tenancy commencing after this subdivision takes effect.' Chapter 209 of the laws of 1920 provided that no monthly tenant should be removed unless a thirty days notice had been given. This seems to be part of the general housing legislation, but it could hardly be claimed that it was not to apply to all such tenants thereafter, even though they were not such at the time of the passage of the act.

"The fact that this amendment was not intended to limit the scope of the enactment was further shown by the provision that it did not apply to new buildings then in course of construction or commenced threafter. If the Legislature intended this chapter, or any of the others constituting the housing statutes, to apply only to tenants then in possessation it was wholly unnecessary and very misleading to insert the provisions that the various acts did not apply to new buildings. The fact that those provisions are contained in the statutes indicates conclusively that the Legislature did intend their enactments to apply to tenants who became such after the statutes were passed, with the exception of tenants who should became such after the statutes were passed, with the exception of tenants who should became such in new buildings then in course of construction or thereafter commenced."

Tenant Must Deposit Sum.

'If People Want to Remain in Control, Elect Al,' Says

Mayor Hylan came out strong last night for the reelection of Alfred E. Congress from the 17th district, held

"If the people of this city do no want increased fare and want to re main in contra elect Al Smith the next Governor of this State," said the with wild applause by the crowder

"The Democrats have the greatest platform in its history," the Mayor con-Governor and he had the raws amended so the city could issue long time bonds for the building of new schools here. If it had not been for that law we would not have been able to build a school.

"When I took office we were \$75,000."

"When I took office we were \$75,000."

000 behind in the school building programme. By the passage of that law we have built many schools, and during the next year we expect to have between fifty and 100 new school buildings.

"I have tried to serve the people by siving an honest administration. If the people of this city want to have Traction Junk' McAneny unload between \$200,000,000 and \$900,000,000 of worthless traction lines on them which they will have to eventually pay in taxes, elect Miller. On the other hand if the people want to control their own affairs, get out and vote for Al Smith and all the other candidates with him including my able Health Commissioner, Royal S.

and family. No matter what happens I shall continue my fight against the traction group.

"I would like to know why the Transit Commission does not investigate the

"I would like to know why the Transit Commission does not investigate the Fifth Avenue Bus Company, which is controlled by the Interborough, instead of trying to wreck the bus lines which the people really need. The Board of Estimate stands ready at any time to appropriate \$75,000,000 to build city owned buses if it could only be brought about. Of course the injunction is playing a big part against such a thing. I understand thoroughly that if one disobeys a court injunction you are liable to receive a vacation—in other words get a little free trip."

Other speakers were Murray Hulburt, President of the Board of Aldermen; ex-State Senator Kaplan, who presided, and John P. O'Brien, candidate for Surogate

AUTOMOBILE KILLS BOY SKATING BEHIND TRUCK

STRONG FOR SMITH Two Other Motor Victims Die of Injuries.

Coasting on roller skates yesterday behind a motor truck and then letting go, Emil Sorenson, a twelve-year-old Brooklyn schoelboy, sped into the path of an automobile at Fourth avenue and Fifty-sixth street, Brooklyn, and was killed. He lived at 217 Fifty-selfsht street. Sidney Fay, 19, of 1028 Fifty-seventh street reported by police as the driver of the automobile, took the boy to the Norweglan Hospital.

Luke Robinson, 44, who was struck Thursday night by an automobile, said to be driven by Gene Sarazen, golf champion, died yesterday in White Plains Hospital.

Michael Donohus of 19 Wooley avenue, Elmhurst, struck October 12 crossing a street in Elmhurst, died in Flushing Hospital.

BROKERAGE FIRM HEAD **ACCUSED OF FORGERY**

Charge Also Says R. M. Feeley Intercepted Mail.

Robert M. Feeley, president of the All American Brokers, Inc., 19 West Forty-

lorgery.

London charges that Feeley forged his name to a check for \$35.83 on March 36. Condon formerly was treasurer of the All American Brokers, and now is a stockholder, he says. He charges also that Feeley intercepted his mail. Feeley, arraigned before Magistrate Sweetey, arraigned before Magistrate Sweeter in the West Side Court, asked for a hearing Tuesday and made bail of \$2,000.

POLICEMAN RECOVERS \$1,500 RUNAWAY DOG

German Trained Animal Vanishes From Motor Car.

A German police dog, Claus, said to two boen bred in the kennels of the aiser, was recovered yesterday within to hours after he had opened the door of 670 West 170th street, and had

run away.

Claus, said to be worth \$1,500, arrived from Germany about four months ago. Fisher bought him two days ago and yesterday left him in his auto

sted in his office yesterday by Detective John J. Appel of the West Fortywenth street station on suspicion of orgery. Patrick C. Condon of 30 nating street, Brooklyn, is the companian and the street station of the street recovered the dog as he was running toward Tenth avenue. When the policeman called the dog, which had been trained to obey uniformed policemen, it stopped and went to him.

NEVER! MRS. GALLAGHER SAYS PAL OF MR. SHEAN Comedian Denies Charges About Helen Marrino.

Edward Gallagher, Al Shean's comeices were reported yesterday in con-

Expertly Remodelled

and repaired equal to no . Sat-isfaction guaranteed, LOWEST PRICES. Prompt delivery. Hirshfeld Fur Co., Inc. 71 W. 46TH ST., NEW YORK

Meuller-Fraves

Special-!

Dinner Gowns

TELEFHONE M H 5000

Street Frocks

Kasha Cloth and Piquetines, embroi-

ESTABLISHED 1827

Abrold, Constable & Co.

5TH AVENUE AT 40TH STREET



Chiffon Velvet Dresses

Featured Monday at 55.00

An extraordinarily low price for dresses of this quality and design.

Only the best Chiffon Velvet has been used in fashioning these gowns, which are suitable for various daytime occasions. Particularly smart is the model pictured, which features a shirred waistline in basque effect and an irregular hem flared skirt. Several other models in original stylings presented at 55.00.

Variety in fabric and color characterizes our collection of dresses,

Monday Only Silk Petticoats at 3.95

LUSTROUS RADIUM

JERSEY SILK WEAVES

Shown in favored shades of Navy, Henna, Brown, Black and igh shales, Lengths 34 to 38. Every model a superior value and worth decidedly more than

No Mail or Phone Orders.

Philippine Lingerie

Dainty, new Gowns and Envelope Chemise entirely hand made and attrac-tively finished with hand scalloped edges. Made of softest lingeric cloth. These garments make ideal gifts and at the price featured are exceedingly good values. 1.95

Special 2.50, 2.95 and 3.95





Fur Trimmed Coats

Special Monday at 67.50

Decidedly new and charmingly different are the models presented in a special offering tomorrow. Illustrated-new Bishop sleeve Coat trimmed with Mole collar and cuffs-others with Caracul, Squirrel, Beaver and Fox. An unrivalled collection of American originations or adaptations of French model Coats at 67.50.

OTHER COATS representative of the most authentic styles the season has brought forth.

Priced from 29.50 to 250.00



FALL KILLS YALE FRESHMAN.

BOYS' ENGLISH RAGLAN OVERCOATS

An approved English model which we have reproduced in our winter overcoats for boys from 3 to 16 years has the typical English raglan sleeves and half belted back and is made of imported fleeces, English mixtures and plaids in the identical fabrics and patterns used by the best known London tailors who specialize in clothing for boys.

Our assortments of winter overcoats for boys include our special productions and exclusive models in fur trimmed overcoats, sheep lined coats and mackinaws.

We design the correct headwear, footwear and furnishings to be worn with our exclusive productions in boys' outer apparel.

DE PINNA

Fifth Avenue at 50th Street



Persian Crepe Blouses

New Costume Model 13.50
Special at

Fashion demands these favored hip length models if one would be ultra smart and correctly attired for various daytime activities. This strikingly handsome Blouse is presented in an unusually stunning imported Crepe Silk in jacquard weave. Luminous Persian designs on backgrounds of Black, Cocoa, Roselle and Bobolink.

OTHER NEW BLOUSES just received and priced from

5.95 6 38.50

Fine Quality Silk Hosiery

Full fashioned pure thread Silk Hosiery with silk tops and soles—light weight, lustrous quality in DANDELION BLACK TURTLE CANNON

Pair 2.95

Sale of Handkerchiefs

One of the most important offer-ngs of the season and at prices hat will insure immediate dis-

3.60 Dozen

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1.50



Hudson Seal Coat

(Dyed Muskrat) Illustrated 545.00 The following are representative of other striking values in

Hudson Seal (dyed Muskrat) 40 inches long 365.00 Hudson Seal (dyed Muskrat) 40 inches long With skunk collar and cuffs 395.00 Regal Mole Goat-45 inches long...... 425.00 Caracul Coat with Brown Squirrel collar and cuffs-45 inches long...... 395.00

MOTOR AND SPORT FUR COATS

40 inch Muskrat 145.00 40 inch Raccoon ... 245.00